Remarks

The Office Action mailed March 22, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 25-36, 52-71, and 73-75 are now pending in this application. Claims 25-36, 52-71, and 73-75 stand rejected. Claims 27, 29, 33, 35, 54, 56, 60, 62, 66, 68, and 74 stand objected to. Claims 37-51 and 76-77 have been cancelled.

The rejection of Claims 25-36, 52-71, and 73-75 under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,726,099 is respectfully traversed.

Applicants respectfully submit that the judicially created doctrine of obvious-type double patenting rejection of Claims 25-36, 52-71, and 73-75 is improper. The present application is a divisional application of U.S. Application No. 10/235,564 which matured into U.S. Patent No. 6,726,099 on April 27, 2004. Applicants submit that 35 U.S.C. § 121 states that:

> A patent issued on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application.

In this case the present divisional application, which was the result of a restriction requirement in U.S. Application No. 10/235,564 (U.S. Patent No. 6,726,099), was filed on December 3, 2003. The cited parent U.S. Patent No. 6,726,099 was issued April 27, 2004. Accordingly, the present divisional patent application meets the requirements of Section 121, and as such, U.S. Patent No. 6,726,099 cannot be used against the present application in a double patenting rejection.

For the reasons set forth above, Applicants respectfully request that the judicially created doctrine of obvious-type double patenting rejection of Claims 25-36, 52-71, and 73-75 be withdrawn.

The rejection of Claims 25, 26, 28, 30, 31, 52, 53, 55, 57, 58, 64, 65, 67, and 69-71 under 35 U.S.C. § 102(b) as being anticipated by Ohta et al. (U.S. Patent No. 6,942,156) is respectfully traversed.

Ohta et al. describes an IC card (1) that is constructed by sandwiching an IC module (2) between a pair of thermoplastic resin sheets (3a and 3b). The IC card includes a non-contact IC chip and magnetic information that is encoded on magnetic stripes.

Claim 25 recites an RFID tag including "a first transceiver arranged to transmit and receive first radio frequency signals to and from a first reader; and, a second transceiver arranged to transmit and receive second radio frequency signals to and from a second reader."

Ohta et al. do not describe nor suggest an RFID tag as recited in Claim 25. More specifically, Ohta et al. do not describe nor suggest an RFID tag including a first transceiver arranged to transmit and receive first radio frequency signals to and from a first reader, and a second transceiver arranged to transmit and receive second radio frequency signals to and from a second reader. Rather, in contrast to the present invention, Ohta et al. describe an IC card including a non-contact IC chip and magnetic information that is encoded on magnetic stripes. The second transceiver described by the Applicants is arranged to transmit and receive second radio frequency signals to and from a second reader. The magnetic stripes described by Ohta et al. are clearly not arranged to transmit and receive second radio frequency signals to and from a second reader. More specifically, magnetic stripes do not transmit radio frequency signals but rather alter a magnetic field of a reader. Furthermore, magnetic stripes do not receive signals. Applicants traverse the assertion in the Office Action that magnetic stripes can fairly be equated with a second transceiver that is arranged to transmit and receive second radio frequency signals.

Additionally, Applicants have not been provided with any reference that describes or suggests a first transceiver arranged to transmit and receive first radio frequency signals to and from a first reader, and a second transceiver arranged to transmit and receive second radio

frequency signals to and from a second reader.

Accordingly, for at least the reasons set forth above, Claim 25 is submitted to be patentable over Ohta et al.

Claims 26, 28, 30, and 31 depend, directly or indirectly, from independent Claim 25. When the recitations of Claims 26, 28, 30, and 31 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 26, 28, 30, and 31 likewise are patentable over Ohta et al.

Claim 52 recites an RFID tag including "a transceiver arranged to transmit and receive first radio frequency signals to and from a first reader; and, a receiver arranged to receive second radio frequency signals from a second reader and to activate the transceiver in response to the second signals."

Ohta et al. do not describe nor suggest an RFID tag as recited in Claim 52. More specifically, Ohta et al. do not describe nor suggest an RFID tag including a transceiver arranged to transmit and receive first radio frequency signals to and from a first reader, and a receiver arranged to receive second radio frequency signals from a second reader and to activate the transceiver in response to the second signals. Rather, in contrast to the present invention, Ohta et al. describe an IC card including a non-contact IC chip and magnetic information that is encoded on magnetic stripes. The magnetic stripes described by Ohta et al. are clearly not arranged to receive second radio frequency signals from a second reader and to activate a transceiver in response to the second signals. More specifically, magnetic stripes cannot activate a transceiver in response to the second signals. Applicants traverse the assertion in the Office Action that magnetic stripes can fairly be equated with a receiver described by Applicants in Claim 52.

Accordingly, for at least the reasons set forth above, Claim 52 is submitted to be patentable over Ohta et al.

Claims 53, 55, 57, and 58 depend, directly or indirectly, from independent Claim 52. When the recitations of Claims 53, 55, 57, and 58 are considered in combination with the

recitations of Claim 52, Applicants submit that dependent Claims 53, 55, 57, and 58 likewise are patentable over Ohta et al.

Claim 64 recites an RFID tag including "a transceiver arranged to transmit and receive first radio frequency signals to and from a first reader; and, a receiver arranged to receive second radio frequency signals from a second reader and to activate the transceiver in response to the second signals wherein the receiver is incapable of receiving the first signals."

Ohta et al. do not describe nor suggest an RFID tag as recited in Claim 64. More specifically, Ohta et al. do not describe nor suggest an RFID tag including a transceiver arranged to transmit and receive first radio frequency signals to and from a first reader, and a receiver arranged to receive second radio frequency signals from a second reader and to activate the transceiver in response to the second signals wherein the receiver is incapable of receiving the first signals. Rather, in contrast to the present invention, Ohta et al. describe an IC card including a non-contact IC chip and magnetic information that is encoded on magnetic stripes. The magnetic stripes described by Ohta et al. clearly cannot activate a transceiver in response to the second signals. Even if magnetic stripes could activate a transceiver in response to second signals, magnetic stripes would receive the first and second signals such that the magnetic stripes would not be incapable of receiving the first signals. Applicants traverse the assertion in the Office Action that magnetic stripes can fairly be equated with a receiver as described in Claim 64.

Accordingly, for at least the reasons set forth above, Claim 64 is submitted to be patentable over Ohta et al.

Claims 65, 67, and 69-71 depend, directly or indirectly, from independent Claim 64. When the recitations of Claims 65, 67, and 69-71 are considered in combination with the recitations of Claim 64, Applicants submit that dependent Claims 65, 67, and 69-71 likewise are patentable over Ohta et al.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 25, 26, 28, 30, 31, 52, 53, 55, 57, 58, 64, 65, 67, and 69-71 be withdrawn.

The rejection of Claims 32, 34, 36, 59, 61, 63, 73, and 75 under 35 U.S.C. § 103 as being unpatentable over Ohta et al. in view of McDonald (U.S. Patent No. 6,211,781) is respectfully traversed.

Ohta et al. is described above. McDonald describes an RFID tag (119) that waits for an interrogation signal (step 302) to be received by receiver (204). If tag (119) does not receive an interrogation signal (step 304), tag 119 continues to wait (step 302). If tag (119) receives an interrogation signal (step 304), then a response signal is transmitted by transmitter (208). Additionally, an RFID tag does not immediately transmit a response signal. Instead, each tag chooses a random time slot to transmit.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Ohta et al. nor McDonald, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Ohta et al. and McDonald, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Rather, only the conclusory statement that "it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a tag waiting for interrogation signal as taught by McDonald to the teachings of Ohta in order to allow the tag communicating with the tag reader only when the tag-reader requesting the information from the tag to further limit collision by two or more tags transmitting simultaneously" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not

based on Applicant's disclosure. In re Vaeck , 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

In addition, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Ohta et al. nor McDonald, considered alone or in combination, describe or suggest the claimed invention.

Moreover, and to the extent understood, neither Ohta et al. nor McDonald, considered alone or in combination, describe nor suggest the claimed invention. Specifically, Claim 25 recites an RFID tag including "a first transceiver arranged to transmit and receive first radio frequency signals to and from a first reader; and, a second transceiver arranged to transmit and receive second radio frequency signals to and from a second reader."

As described above, Ohta et al. does not describe nor suggest an RFID tag as recited in Claim 25. Applicants submit that McDonald does not make up for the deficiencies of Ohta et al. More specifically, neither Ohta et al. nor McDonald, considered alone or in combination, describe nor suggest an RFID tag as recited in Claim 25. Rather, in contrast to the present

invention, Ohta et al. describe an IC card including a non-contact IC chip and magnetic information that is encoded on magnetic stripes wherein the magnetic stripes do not receive or transmit radio frequency signals, and McDonald describes an RFID tag that waits for an interrogation signal to be received by a receiver.

Accordingly, for at least the reasons set forth above, Claim 25 is submitted to be patentable over Ohta et al. in view of McDonald.

Claims 32, 34, and 36 depend, directly or indirectly, from independent Claim 25. When the recitations of Claims 32, 34, and 36 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 32, 34, and 36 likewise are patentable over Ohta et al. in view of McDonald.

Claim 52 recites an RFID tag including "a transceiver arranged to transmit and receive first radio frequency signals to and from a first reader; and, a receiver arranged to receive second radio frequency signals from a second reader and to activate the transceiver in response to the second signals."

Neither Ohta et al. nor McDonald, considered alone or in combination, describe or suggest an RFID tag as recited in Claim 52. Applicants submit that McDonald does not make up for the deficiencies of Ohta et al. More specifically, neither Ohta et al. nor McDonald, considered alone or in combination, describe nor suggest an RFID tag including a transceiver arranged to transmit and receive first radio frequency signals to and from a first reader, and a receiver arranged to receive second radio frequency signals from a second reader and to activate the transceiver in response to the second signals. Rather, in contrast to the present invention, Ohta et al. describe an IC card including a non-contact IC chip and magnetic information that is encoded on magnetic stripes wherein the magnetic stripes do not receive or transmit radio frequency signals, and McDonald describes an RFID tag that waits for an interrogation signal to be received by a receiver.

Accordingly, for at least the reasons set forth above, Claim 52 is submitted to be patentable over Ohta et al. in view of McDonald.

Claims 59, 61, and 63 depend, directly or indirectly, from independent Claim 52. When the recitations of Claims 59, 61, and 63 are considered in combination with the recitations of Claim 52, Applicants submit that dependent Claims 59, 61, and 63 likewise are patentable over Ohta et al.

Claim 64 recites an RFID tag including "a transceiver arranged to transmit and receive first radio frequency signals to and from a first reader; and, a receiver arranged to receive second radio frequency signals from a second reader and to activate the transceiver in response to the second signals wherein the receiver is incapable of receiving the first signals."

Neither Ohta et al. nor McDonald, considered alone or in combination, describe or suggest an RFID tag as recited in Claim 64. Applicants submit that McDonald does not make up for the deficiencies of Ohta et al. More specifically, neither Ohta et al. nor McDonald, considered alone or in combination, describe nor suggest an RFID tag including a transceiver arranged to transmit and receive first radio frequency signals to and from a first reader, and a receiver arranged to receive second radio frequency signals from a second reader and to activate the transceiver in response to the second signals wherein the receiver is incapable of receiving the first signals. Rather, in contrast to the present invention, Ohta et al. describe an IC card including a non-contact IC chip and magnetic information that is encoded on magnetic stripes wherein the magnetic stripes do not receive or transmit radio frequency signals, and McDonald describes an RFID tag that waits for an interrogation signal to be received by receiver.

Accordingly, for at least the reasons set forth above, Claim 64 is submitted to be patentable over Ohta et al. in view of McDonald.

Claims 73 and 75 depend, directly or indirectly, from independent Claim 64. When the recitations of Claims 73 and 75 are considered in combination with the recitations of Claim 64, Applicants submit that dependent Claims 73 and 75 likewise are patentable over Ohta et al.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 32, 34, 36, 59, 61, 63, 73, and 75 be withdrawn.

The objection to Claims 27, 29, 33, 35, 54, 56, 60, 62, 66, 68, and 74 is respectfully traversed. Claims 27, 29, 33, 35, 54, 56, 60, 62, 66, 68, and 74 were indicated as being allowable if amended to incorporate the recitations of the base claim and any intervening claims.

Claims 27, 29, 33 and 35 depend from independent Claim 25, which is submitted to be in condition for allowance. When the recitations of Claims 27, 29, 33 and 35 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 27, 29, 33 and 35, for at least this reason, are likewise in condition for allowance.

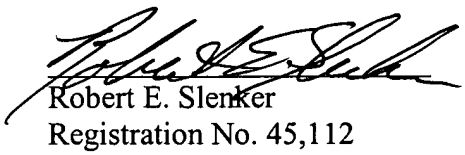
Claims 54, 56, 60, and 62 depend from independent Claim 52, which is submitted to be in condition for allowance. When the recitations of Claims 54, 56, 60, and 62 are considered in combination with the recitations of Claim 52, Applicants submit that dependent Claims 54, 56, 60, and 62, for at least this reason, are likewise in condition for allowance.

Claims 66, 68, and 74 depend from independent Claim 64, which is submitted to be in condition for allowance. When the recitations of Claims 66, 68, and 74 are considered in combination with the recitations of Claim 64, Applicants submit that dependent Claims 66, 68, and 74, for at least this reason, are likewise in condition for allowance.

For the reasons set forth above, Applicants request that the objection to Claims 27, 29, 33, 35, 54, 56, 60, 62, 66, 68, and 74 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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